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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP No. 15434 of 2024

1. Union of India rep by the Govt. of Pondicherry,
   through the Secretary to Govt.,
   Ministry of Home Affairs,
   North block,
   New Dehi.

2. The Chief Secretary to Govt ,
   for The U T of Pondicherry,
   Chief Secretariat, Puducherry

..Petitioner(s)

Vs

Shri R.P Paul,(IAS RTD),
S/o. Prabhakar Pal,
residing at 3-A, First Floor,
Saradhambal Nagar,
Pondicherry.

..Respondent(s)

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Certiorarified Mandamus to call the order 31.03.2023 in OA.No.310/01609/2014 passed by the Honourable Tribunal as illegal and quash the same.

For Petitioner(s): Mr.AR.L.Sundaresan,
Additional Solicitor General of India
assisted by Dr.G.Babu

For Respondent(s): Mr..V. Ajayakumar

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ORDER

(Order of the Court was made by S.M.Subramaniam J.)

Union of India preferred the present writ petition challenging the order of the Central Administrative Tribunal, Chennai Bench, dated 31.03.2023.

2. The respondent was conferred IAS in the year 2002 and retired from service on 31.10.2012. He filed Original Application seeking a direction to promote him to the Super Time Pay Scale of IAS in the pay scale of Rs.37400-67000 with Grade Pay of Rs.10000 with effect from November,2010, the date on which, the juniors to the respondent were promoted with all other consequential benefits including difference of wages and pensionary benefits with arrears. The Tribunal, allowed the Original Application mainly on the ground that the charges framed against the respondent was quashed by the Central Administrative Tribunal, vide order dated 28.04.2014 in O.A.No.1514 of 2012. Thus, Union of India preferred the present Writ Petition.

3. Mr.AR.L.Sundaresan, learned Additional Solicitor General of India appearing on behalf of the writ petitioner would mainly contend that no doubt, the charges framed against the respondent was quashed by the Central Administrative Tribunal in O.A.No.1514 of 2012. However, his promotion was not only deferred on the ground of pendency of charges, but also on the ground of unsatisfactory services as assessed by the Screening Committee, based on the service records of the respondent. Thus, the Tribunal has failed to consider the relevant merits assessed by Screening Committee for

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conferring promotion to the respondent in Super Time Scale of Pay of IAS. In this regard, he would drew the attention of this Court with reference to the minutes of the meeting of the Screening Committee held on various occasions, wherein the committee found that the respondent is “unfit” for promotion. Till his retirement, his case was not considered for promotion. Therefore, he is not entitled for the relief.

4. Mr.Ajayakumar, learned counsel appearing for the respondent would oppose by stating that the juniors to the respondent were promoted and the case of the respondent was deferred on account of framing of the charges on 21.06.2012 and the said charges are quashed by the Tribunal on 28.04.2014. However, he would contend that the juniors of the respondent were granted promotion in the year 2006 and 2009. Therefore, the case of the respondent ought to have been considered for promotion in the year 2006 and 2009 on par with his juniors. The relief sought for in the Central administrative Tribunal is to grant Super Time Scale of Pay of IAS with effect from November, 2010. Therefore, quashing of the charge memo alone is not the ground raised by the respondent before the Tribunal, since he was eligible for promotion in the year 2006 and 2009. Thus, the writ petition is to be rejected.

5. This Court has considered the rival submissions made between the parties to the lis.

6. The respondent conferred IAS in the year 2002. Two of his juniors were promoted in the year 2006 and 2009 to the Super Time Scale of Pay. Charges were framed on 21.06.2012 against the respondent. It was quashed

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by the Tribunal in O.A.No.1514 of 2012 on 28.04.2014. Even before the order of the Central Administrative Tribunal, the respondent retired from service on attaining the age of superannuation on 31.10.2012.

7. The question for consideration is whether the respondent is eligible for promotion on par with his juniors in the year 2006, 2009 or in the year 2012 as claimed by the respondent.

8. The impugned rejection order, dated 08.12.2015 was issued, based on the minutes of the Screening Committee. The writ petitioner filed counter affidavit before the Central Administrative Tribunal, wherein they have narrated the reasons for non-consideration of the name of the respondent for promotion in the year 2006, 2009 and 2012 and the relevant portion of the counter in paragraph No. 9 is extracted hereunder.

> *(I)On 09.11.2006, ten (10) IAS officers of 1994 batch including the applicant were considered for empanelment to the Selection Grade to IAS. However, the Selection Committee observed that the ACR dossiers of majority of the officers being considered were not completed. The Committee, therefore, decided to defer the consideration of Selection Grade for the officers 1994 batch (including the Applicant) till their ACR dossiers are complete.*
>
> *(II) On 04.01.2008, the Screening Committee considering the case of the applicant to the Selection Grade, but decided to defer as the Applicant's CR Dossier was not complete.*
>
> *(III) On 15.01.2009, the Screening Committee considered the case of the applicant for Selection grade. The committee was informed that a pending case relating to leakage of question paper against Sh.R.P.Pal, IAS during his tenure as*

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Secretary, Social Welfare, Andaman and Nicobar Administration, in which, the CVC recommended for minor penalty against him. Further, CBI was requested to re-investigate the case, as the report contains several lacunae. The Screening Committee again decided to defer the case of the applicant as his CR dossier was incomplete.

(IV) On 02.06.2010, the Screening Committee considered the case of the applicant for empanelment to Super Time Scale in the cadre and the Committee was informed that since Sh.R.P.Pal has not been granted Selection Grade, he is not eligible to be considered for empanelment to the Super Time Scale in the cadre. Accordingly, the Committee placed the name of Sh.R.P.Pal (applicant) as "Unfit" for empanelment to the Super Time Scale in the Cadre.

(V) On 30.03.2011, the Screening Committee, considered the case of applicant for selection Grade and decided to defer his case again for want of ACRs.

(VI) on 14.03.2012, the Committee considered the case of applicant to the Selection Grade but again decided to defer the case for want of ACRs.

9. We have perused the minutes of the meeting recorded in F.No.14016/34/2006-UTS.I wherein, the respondent Shri.R.P.Paul is found "unfit". Regarding the minutes of the meeting of the Screening Committee held on 15.05.2009 also, the Committee was informed about the pending cases relating to leakage of question paper against the respondent in his tenure as Secretary, Social Welfare, Andaman and Nicobar Administration, in which, the CVC recommended for minor penalty against him, on the basis of

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CBI report, but it was decided to request CBI to re-investigate the case as the report contains several lacunae. Since it was pending, his name was not considered for promotion. In 2010 also, the Screening Committee held on 02.06.2010 passed a minute that the respondent is "unfit" for promotion. Perusal of the entire records relating to the minutes of the meeting of the Screening Committee would reveal that the case of the respondent was considered periodically and the Screening Committee found that the respondent is "unfit" for promotion. Charges were framed in 2012 and quashed in the year 2014 after his retirement. As far as the claim of the respondent for promotion from the year 2010 is concerned, from 2006 onwards the minutes of the Screening Committee are furnished before this Court wherein the case of the respondent was not considered for promotion by the Screening Committee. Therefore, the case of the respondent was not rejected not only on the ground of pendency of charges in the year 2012, but his performance was assessed periodically by the Screening Committee and the Committee found that he is "unfit" for promotion.

10. That being the factum recorded by the Screening Committee, the Court, in exercise of powers of judicial review is not expected to substitute the views of the Screening Committee, which is domain expert. In respect of the meeting held on 14.03.2012 also, the respondent was last assessed by the Screening Committee in its meeting held on 02.06.2011 and found him "unfit" for empanelment for Selection Grade. Since he retired on 31.10.2012, thereafter his case was not considered of promotion. These factors relating to

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the minutes of the meeting of the concerned Committee are not considered by the Central Administrative Tribunal.

11. For grant of Super Time Scale of pay/Selection Grade/promotion, the rules relating to promotion are applied. Therefore, merit assessment, pendency of charges and other criteria fixed were considered by the Screening Committee and it was found that the respondent was “unfit” for promotion. Thus, the assessment made by the Screening Committee became final and the Courts are not expected to modify or interfere with such findings made based on the service records of the individual officer.

12. In view of the facts and circumstances, the order of the Central Administrative Tribunal, Chennai Bench, dated 31.03.2023 in O.A.No.1609 of 2014 is set aside. The Writ Petition is allowed. No costs.

(S.M.S.,J.) (N.S.,J.)
15-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
vsi
To
R.P Paul,(IAS RTD),
S/o. Prabhakar Pal,
Residing at 3-A, First Floor, Saradhambal Nagar,
Pondicherry.

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